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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,850	04/15/2002	Martin Berg		8228

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,850

Applicant(s)

BERG ET AL.

Examiner

Anthony H Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-39 is/are pending in the application.
- 4a) Of the above claim(s) 20,21,28-30,36,38 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,19,22-27,31-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5 . 6) ☐ Other: _____

Applicant's election with traverse of Figure 3, claims 18, 19, 22-27, 31-35 and 37 in Paper No. 11 is acknowledged. The traversal is on the ground(s) that the independent claims are generic to all of the identified species including the inking of the drum impression and the cleaning of the drum impression during the printing operation. Applicant argued that the patent EP 1 189 754 B having claims 1-17 which are generic. However, this argument is not found persuasive since applicants' Figures show many different species. For proper US practice, the election species is required. Therefore, the requirement is still deemed proper and is made FINAL.

Accordingly, claims 20,21,28-30, 36,38 and 39 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Drawings

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control unit which is used to actuate the cleaning station and the inking station must be shown or the feature canceled from the claims. No new matter should be entered.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 26, 31 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the step of utilizing additional measures is infinite in that it fails to particularly point out and distinctly claim any structure or step. With respect to claim 31, it is unclear how the step of "conducting the collected printing fluid to the inking station" can be performed. Additionally, the dependency of claim 37 is improper since it depends on the non-elected claim 36.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 19, 22, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Love (US 4,729,310).

With respect to claims 18, 22, 34 and 35, Love teaches a method and a printing device for printing a carrier materials which meet steps and the structure as claimed. For example, Love teaches the steps of rotating a printing drum having a plurality of depressions for accepting printing fluid (Love, Figs. 1-3 and 9-11 and col.23 lines 45-49), introducing a printing fluid by an inking station 50, employing the printing fluid moving pass a printing station for printing on a carrier material 8, removing the printing fluid by a cleaning station 12 and operating the cleaning station and the inking station simultaneously via a controller 80 (Love, Fig.8, col.6 the first paragraph).

With respect to claim 19, Figs. 1-3 of Love show the cleaning drum or roller of the cleaning station 12 which lies parallel to the printing drum. Also, note that the step of cleaning is the same regardless of the material of the cleaning drum or roller.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-26, 31, and 37 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Love (US 4,729,310) in view of Sondergeld et al. 5,911,175).

With respect to claims 23,26, and 31, Love teaches all that is claimed, except the step of immersing the depression moving past a cleaning container into a cleaning fluid. Sondergeld et al. teaches a method and device for cleaning a cylinder surface having the step of immersing an applicator roller or a cleaning roll 9 which includes depressions 11 (Sondergeld et al., Figs.1 and 2) into the cleaning fluid in a container 12. In view of the teaching of Sondergeld et al., it would have been obvious to one of ordinary skill in the art to modify the method for printing a carrier of Love by providing the step of immersing the depression into a cleaning fluid for optimum cleaning effects on the surface of the cylinder to be cleaned.

With respect to claim 24, Figure 1 of Sondergeld et al. shows the container 12 and cleaning fluid which are arranged under the printing cylinder 5.

With respect to claim 25, the step of using the printing fluid as a cleaning fluid is simply known. Therefore, it involves no apparent unobviousness.

With respect to claim 37, the use of a stripper drum or roller is conventional. For example, the cleaning station 20 of Love includes a stripper drum (Figs. 1-4, no numeral reference) located between the drums.

Claim 27 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Love in view of Sondergeld et al. as applied to claims 23-26, 31 and 37 above, and further in view of Wenzel (US 4,716,829).

With respect to claim 27, The combination of Love and Sondergeld et al. teach all that is claimed, except for the use of ultrasound. Wenzel teaches a method for cleaning the surface of a rotogravure roll 12 including the step of utilizing ultrasound (Wenzel, col.8 lines 42-61). In view of the teaching of Wenzel, it would have been obvious to one of ordinary skill in the art to modify the method of Love and Sondergeld et al. by providing the step of utilizing ultrasound for cleaning as taught by Wenzel for quickly cleaning the surface of a gravure roller utilizing the printing fluid as the cleaning fluid.

Claims 32 and 33 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Love in view of Sondergeld et al. as applied to claims 23-26 and 37 above, and further in view of Ota et al. (US 5,749,293).

Love and Sondergeld et al. teach all that is claimed, except for the step of rejuvenating the printing fluid. Ota et al. teaches a step of rejuvenating the printing fluid 3 (Ota et al., col.3 lines 32-39). In view of the teaching of Ota et al., it would have been obvious to one of ordinary skill in the art to modify the method of Love and Sondergeld et al. by providing the step of rejuvenating the printing fluid as taught by Ota et al. for maintaining optimum print quality.

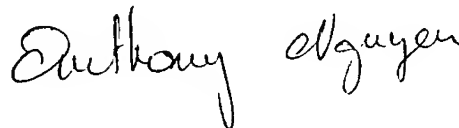
Conclusion

The patents to Jenkins, Fleischmann et al., Weichmann et al., Christianson and Reslo are cited to show other methods and structures having obvious similarities to the claimed method and structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Nguyen
11/17/03
Patent Examiner
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